

NOT FOR PUBLICATION

[26, 40, 43]

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PEGASUS CONSULTING GROUP,

Plaintiff,

V.

ADMINISTRATIVE REVIEW BOARD
FOR THE DEPARTMENT OF LABOR,
WAGE AND HOUR DIVISION,
EMPLOYMENT STANDARDS
ADMINISTRATION,

Defendant.

Civil Action No. 05-5161 (FLW)

ORDER

WOLFSON, District Judge

This matter having been opened to the Court by Defendant, Administrative Review Board for the Department of Labor Wage and Hour Division, Employment Standards Administration, and Plaintiff, Pegasus Consulting Group, upon Cross-Motions for Summary Judgment pursuant to Fed. R. Civ. P. 56; the Court having considered the moving papers, and opposition thereto; the matter being decided pursuant to Fed. R. Civ. P. 78; for the reasons stated in the Opinion filed on this date; and for good cause shown;

IT IS on this 26th day of June, 2007,

ORDERED that the Motion for Summary Judgment filed on behalf of Defendant is **DENIED**; and it is further

ORDERED that Plaintiff's Motion for Summary Judgment is **GRANTED**; and it is further

ORDERED that Plaintiff's Motion for Leave to Amend is **GRANTED**; and it is further

ORDERED that any application for attorneys' fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), must be made within thirty (30) days of the date of this ORDER and if no such application is made within thirty days, this case shall be closed.

/s/ Freda L. Wolfson
Honorable Freda L. Wolfson
United States District Judge